

Town of Milton
Town Council Meeting Minutes
Milton Theatre, 110 Union Street
December 4, 2006

1. PUBLIC HEARING (7:00 p.m.)

Mayor Post: “in corporation with the Sussex County Council and Delaware State Housing Authority to allow citizens an opportunity to participate in a development of an application to the State of Delaware Community Development Block Grant Program. Primary objective of the Community Development Program is to develop viable urban communities in Sussex County.”

Bill Lecates (Director of Community Development in housing): went over the criteria information and then asked for any questions the Mayor, Council, or public had.

Councilwoman Betts: asked if persons with low-income can apply to help with the infrastructure for sidewalks. Mr. Lecates: yes accommodations can be made for these people.

Councilman Harris: can notice be sent to persons who don't attend meetings to inform them of this? Mr. Lecates: would not be able to pick one sidewalk here or there, sidewalks are low priority. Funding goes more to help with bringing a building up to code. Councilman Harris: do you have brochures, etc. that can be handed out? Mr. Lecates: I have a packet and we do advertisements, etc. Anyone is free to call our office at 855-7777.

Jim Welu: would this funding cover septic? Mr. Lecates: with septic they have to be referred to DNREC first and be turned down then they would go on a waiting list which would take five to ten years.

Mayor Post called roll.

Present: Councilman Frey
Councilman Harris
Councilwoman Melson
Councilwoman Betts
Mayor Post

Closed Public Hearing at 7:15 p.m.

2. OPEN FLOOR (7:16 p.m.)

John Collier: requested that Council defer on any action regarding the Historic Preservation Ordinance until persons who received information has time to review.

D. J. Hughes: spoke regarding the meeting on December 19, 2006, for Shipbuilder's Village. Thanked the Town for progress on the meeting but would like to know what the meeting is regarding. Also, would like to know how the negotiation process with Tidewater is going to

work and if any meetings have taken place since the last meeting when they were chosen.

Mr. Brady: Tim Willard is working on the Shipbuilder litigation; the parties for the litigation have proposed a settlement which will have to be approved by Planning and Zoning. If it is approved it will move forward to settle. Mayor Post: the Town Manager will be reporting on any preliminary meetings that have taken place. Mr. Hughes: questioned who would be involved in the negotiation process with Tidewater. Mr. Brady: the Mayor and the Town Manager then the Town Solicitor reviews after which the Town Council would vote on it.

Allison Hughes: questioned voter registration and if Town Hall will be available after 5:00 p.m. or on a Saturday before the February deadline. Mayor Post: we will get back to you on that. Mrs. Hughes: Does the Town have a plan on educating citizens on voter registration? Mr. Brady: new law by the General Assembly should be enforced for the spring 2008 voting.

Lynn Ekeland: questioned Mr. Brady on why we aren't going into a form of competitive bidding for the Wastewater Treatment Plant. Mr. Brady: sited of the top of his head Title 29, Chapter 69 of the Town Charter; since it is not costing the Town anything it falls under professional services and there doesn't need to be a competitive bidding process.

Jim Welu: talked about professional services contract versus competitive bidding. Feels negotiations need to be held with two or three different sources instead of just one. Mayor Post: we did just that and we chose Tidewater in the best interest of the Town. Mr. Welu: feels that council persons should indicate why they chose Tidewater. Mayor Post: feels that opinions of the Council were expressed at that meeting.

Kathryn Grieg: Gave report on the Milton Garden Club.

Closed Open Floor at 7:35 p.m.

3. REGULAR MEETING (7:35 p.m.)

Mayor Post recalled roll.

Present: Councilman Frey
Councilman Harris
Councilman Dvornick
Councilwoman Melson
Councilwoman Betts
Mayor Post

Absent Councilman Prettyman

Councilwoman Betts: made a few comments regarding the Town's achievements and the positive work that the council does.

Moment of silence lead by Councilwoman Betts.

Pledge of Allegiance.

Additions/corrections to the agenda:

Councilman Harris made a motion to add under New Business a Resolution to name the park on Mulberry Street "Mill Park". Councilman Dvornick seconds it. All in favor "Aye". Motion carried.

Approval of minutes:

November 6, 2006, regular meeting

Councilman Frey: noted a correction question was asked "why did the Planning Board approve it knowing that it couldn't make DelDot requirements". This was made by me and not Councilman Harris. Councilman Frey made a motion to accept minutes with corrections. Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried.

November 13, 2006, special meeting

Councilman Frey: made a motion to accept minutes in written form. Councilwoman Betts: Seconds it. All in favor "Aye", Opposed-None. Motion carried.

Committee Reports:

Board of Adjustment: Mr. Collier provided a written report. Councilman Frey made a motion to accept the Board of Adjustment report, Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried.

Planning & Zoning: Gave report. Councilman Harris made a suggestion that the recommendations and comments as well as specific comments from the Planning and Zoning members be provided to Council prior to Town Council meetings in order to help Council make an informed decision. Mayor Post: feels that it could be patterned after the Board of Adjustment report. Mr. Brady: the minutes that would be provided to you would be unapproved minutes. He has discussed with Ms. Rogers a way to have a form of order for each project that is recommended to Council with conditions and comments written in. Mayor Post: stated that more information needs to be provided to both the Town Council and Planning and Zoning in order for the best decision to be made. The overall process needs to be changed. Councilman Dvornick made a motion to accept report as written. Councilman Harris seconds it. All in favor "Aye", Opposed-None. Motion carried.

Personnel: no report.

200th Anniversary: Charlie Fleetwood gave report.

Charter: Joan Martin-Brown gave report. Submitted to the Town Council the Proposed Revised Town Charter. Members include Dr. Ruth Batton, Ms. Brenda Burns, Ms. Deanna Dubie, Council member Frey, Ms. Mary Cathryn Hopkins, Mr. Dennis Hughes, Mr. Norman Lester, Mr. Bill Pepper, Mr. Gene Spencer, Ms. Janet Turner, and Mr. Jack Vessels. Mayor

Post: informed Council that everyone needed to start reviewing the document and make necessary notes. The goal would be to vote on it at the January Council meeting. It will be posted to the website. Councilman Harris: would like letters of thank you sent to the members of the Ad-Hoc Committee.

Historic District Zoning Revision: Stephanie Parker gave report. Part of the proposed amendments was not included due to a computer crash of Mr. Brady. Mr. Brady: stated that it will be included on January's Town Council meeting.

Parks & Recreation: Councilman Harris gave report. Libby Zando spoke regarding the project for the Bicentennial Park. Charlie Fleetwood spoke regarding the sculpture to be placed in the park.

Economic Development: Councilman Harris gave report.

Streets & Sidewalks: Councilwoman Betts sent email to Chief Phillips asking him to report regarding number of street lights out and the progress made on those being fixed.

Milton Development Corp: Councilwoman Betts gave report. Invited everyone to join the House Tour and see the new Town Hall.

Written Reports:

Town Manager's Report: George Dickerson gave report. Spoke regarding Edmunds training for staff, progress of Comprehensive Plan, progress on Tidewater negotiations, and moving to the new Town Hall. Councilman Harris made a motion to accept the report, Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried.

Code Enforcer Report: Councilwoman Melson made a motion to accept as written. Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried.

Public Works: Councilman Dvornick made a motion to accept as written. Councilman Frey seconds it. All in favor "Aye", Opposed-None. Motion carried.

Police Report: Councilman Frey made a motion to accept as written. Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried.

Unfinished Business:

Ordinances: A. Historical Preservation, B. Sex Offender, C. Zoning Ordinance Amendment Article 8, Section 8.0.7 (5), and D. Zoning Ordinance Amendment Article 13. Mr. Brady: respectfully requested that these ordinances be tabled until the January meeting. Councilman Dvornick made a motion to follow Mr. Brady's recommendation, Councilwoman Betts seconds it. All in favor "Aye", Opposed-None. Motion carried.

Chesapeake Franchise Utility Agreement: Jim Moore gave a synopsis of the agreement and explained what they would like. Mayor Post: Does this have to be established as an exclusive franchise with Chesapeake? Mr. Moore: No it does not have to be provided that any other

company would pay the same fees that Chesapeake would have to pay. Councilman Dvornick made a motion to forward this to the Town Solicitor for review, Councilman Frey seconds it. All in favor "Aye", Opposed-None. Motion carried.

New Business:

Community Development Block Grant Resolution: Councilman Dvornick made a motion that the Mayor be authorized to sign the Resolutions necessary for the Town to make the application in the Community Development Block Grant, Councilwoman Betts seconds it. All in favor "Aye", Opposed-None. Motion carried.

Irrigation Meter Charges: Councilman Frey spoke regarding residents that have two water meters (one for their home, one for their irrigation) and are being charged double for a meter reading. Councilman Frey made a motion to reduce the meter readings on residential people with two meters so that they are only charged a single usage fee. Councilwoman Betts seconds it. All in favor "Aye", Opposed-None. Motion carried.

Milton Community Foundation: Councilman Harris spoke regarding the establishment of a new organization called the Milton Community Foundation. This organization would like the Town Council's endorsement (non-monetary). Councilman Harris made a motion that the Council endorses the Milton Community Foundation, Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried. Councilman Dvornick would like any information about this organization added to the Town's website.

Resolution to name the park on Mulberry Street: Councilman Harris made a motion to name the park on Mulberry Street "Mill Park", currently referred to as the Bicentennial Park. Councilman Dvornick seconds it. All in favor "Aye", Opposed-None. Motion carried.

Revision of Record Plan Phase II B Cannery Village: Mike Coben spoke and asked the Council to approve the Planning Commission's recommendations for a revision to record plat for Parcel II B in Cannery Village. Mayor Post: feels that more information needs to be provided to the Council before they can make an informed decision. Mr. Dickerson presented information to Council regarding previous documents that were submitted to the Recorder of Deeds office which pertained to this parcel in question. On these documents it lists that a meeting took place on December 27, 2005, but the Town has no record of any meeting taking place. He suggested that Council table the request until it is determined that the previous documents that were submitted to the Recorder of Deeds office can be authenticated as being proper and not violating state law. Mayor Post questioned if the meetings had been researched around that time. Mr. Dickerson stated he had gone back to October 2005 and searched through March 2006 that showed no reference of these documents. Mr. Brady was asked by Council for his opinion. He stated that it was up to Council to determine whether the issue would be tabled, reverse Planning and Zoning and remand back, deny it, etc. Council must establish for the record why Planning and Zoning recommendations should not be followed. Mayor Post would like to have the last approved plat to compare with the changes being asked for approval for all future instances. Councilman Harris would like more information regarding the decisions of Planning and Zoning and their recommendations. Mayor Post feels Planning and Zoning along with Council needs the written comments and recommendations from our Town Engineer. Councilwoman Melson

made a motion to table the issue until January's meeting, Councilman Frey seconds it. Councilman Dvornick asked is the total area for Phase II B paper wise changed at all as a result of the realignment of the road. Bob Kerr spoke regarding the different phases of the project. He clarified what they were asking for this evening was for a site plan approval, which includes a relocation of property lines. Councilman Dvornick asked if Parcels A and B of Phase II B has a minimal reduction of area as a result of the realignment of the road. Mr. Kerr yes. Mr. Dickerson asked Mr. Kerr if the original plan shows that Parcel C is part of Phase I C. Mr. Kerr stated he couldn't say without looking. Mr. Dickerson asked Mr. Kerr if he had reviewed the corrected division lines of Phases I C, II A, II B, and II C before making comments to Council with regard to it not being affected. In other words, the documents the Town had received from the Recorder of Deeds. Mr. Kerr stated he did not review the entire document only the area affected presented tonight. Mr. Dickerson asked Mr. Kerr if the original plan have a delineation of a property line that is not shown on the corrective division line. Mr. Kerr yes there are a couple of line that are changed. Mr. Brady stated that from a legal stand point the most recent plat controls and confirmed that the plans in Mr. Dickerson's possession were the most recent ones. Mr. Dickerson asked Mr. Brady if the documents were not properly recorded does state law kick in with regard to a possible violation of these documents. Mr. Brady stated that he is hesitant to reply not having all the facts. Robin Davis spoke regarding problems he and Mr. Kerr had with the Parcel C. Mr. Dyer asked Council to reconsider the ability for them to build the Clubhouse. Councilman Dvornick asked Mr. Brady if it is possible for Council to grant permission to issue a building permit on what was originally Parcel II B on the non-investigated document without having to alter the plat. Mr. Davis stated that based on what he has gathered from Mr. Kerr and Eric Evans, the Clubhouse was never part of the approved site plans. Mayor Post asked Mr. Kerr what he recommends. Mr. Kerr recommended following the decision of Planning and Zoning. He feels any problems can be cleaned up and worked out later if Mr. Brady agrees. Lieutenant Cornwell stated that there will need to be an investigation into the document presented by Mr. Dickerson to determine if they are in fact legal documents. He feels that this needs to addressed before Council votes. Councilman Frey made a motion to table this issue until January's Town Council meeting, Councilwoman Melson seconds it.

Roll call vote:	Councilman Frey	"yes"
	Councilman Harris	"yes"
	Councilman Dvornick	"no, area was approved before documents in question were approved"
	Councilwoman Melson	"yes"
	Councilwoman Betts	"yes, to be able to look it over"
	Councilman Prettyman	absent
	Mayor Post	"yes, wants all the facts"
	Motion carried.	

Bill asked Council if it is proven that the Clubhouse and the four plexes were approved could they get a permit. Councilman Frey stated if you go through the Town Manager I think we can agree to that.

4. ADJOURNMENT (10:15 p.m.)

Councilman Dvornick made a motion to adjourn, Councilman Harris seconds it. All in favor “Aye”, Opposed-None. Motion carried.

Respectfully Submitted,

Julie Powers
Executive Secretary